

FILED '09 JAN 22 1453 JUSIC:DRP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GEORGE DOUGLAS SANDERS,

Civil No. 06-1557-AC

Petitioner

v.

ORDER

BRIAN BELLEQUE

Respondent

MARSH, Judge.

Magistrate Judge John V. Acosta filed his Findings and Recommendation on December 30, 2008. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's

Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has filed timely objections. I have, therefore, given the file of this case a *de novo* review.

I find no error. Accordingly, I ADOPT the Findings and Recommendation (#39) of Magistrate Judge Acosta. The First Amended Petition for Writ of Habeas Corpus (#29) is DENIED.

IT IS SO ORDERED.

DATED this 22 day of January, 2009.

A handwritten signature in black ink, appearing to read "Malcolm F. Marsh", written over a horizontal line.

Malcolm F. Marsh
United States District Judge